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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,963	12/15/2000	Jurgen Engesser	PD990096	3750

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EXAMINER

DUGGINS, ALICIA M

ART UNIT PAPER NUMBER

2616

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/738,963	<b>Applicant(s)</b> ENGESSER ET AL.	
	<b>Examiner</b> Alicia M Duggins	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 12/01/2004 have been fully considered but they are not persuasive. Regarding the argument on p.7 that Shih (US5543977) relates to a recording system for computers and not digital signals is disputed since Shih deals with recording of digital data which can be any type of digital data including television signals (col.4 ll.15-21). In addition applicant states that Shih does not show searching by reading and evaluating track numbering by moving to the target position at a first transport speed until the target is reached. Shih does discuss searching by reading track numbers and finding the target position (col.3 l.58 –col.4 l.5). In response to the argument that Shih does not use a reduction in tape speed to find the target position, it is shown that the tape speed is slows down to find target information (col.30 l.63 –col.31 l.4).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Shih et al. (US5543977).

Regarding claims 8,12 and 13, Shih shows a method for controlling the search mode by means of tape transport control according to the helical scan method (abstract II.4-16, col.3 II.38-49) comprising the steps of:

- Inputting a stop time in a first time period (col.30 II.5-9)
- Determination of tape position as the start position by reading the track numbering at a tape transport speed in a second time period (col.31 II.23-35) where Shih discusses searching for a particular section of a file by a data block number or file section number which corresponds to a track on the tape.
- Calculating a target position by means of a microprocessor with regard to a start position in a third time period is shown (col.29 I.60 – col.30 I.4)
- Acceleration of the tape transport speed by means of a winding device in a fourth time period is shown in fig.1 where a cassette is inserted into a cassette interface (28) and wound around rotateable heads and a tape guide, which is referred to as a scanner (32). Acceleration is discussed in (col.30 II.46-62)
- Control of tape transport by reading and evaluating CTL pulses is shown in fig.1 where the reference generator block (82) provides the controls signal (CTL pulses) (col.12 (II.14-16, II.61-67) as also discussed in claim 2.

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- Reduction in the tape transport speed in the vicinity of the target position in a fifth time period (col.30 l.63- col.31 l.4)
- Control of the search by reading the slanted tracks is shown in fig.7 in the helical area (170) where it is discussed that the helical tracks are used to perform operations such as searching (col.18 ll.21-40)

Regarding claim 9, Shih shows that the evaluation of CTL pulses shown as a double frame number can be checked using a function to determine the amount of recording tape that is available (col.20 l.66- col.21 l.12) and how the CTL error is corrected using tape remainder determination (col.9 ll.63-67).

Regarding claims 10 and 11, Shih shows the difference between the track numbers is converted into a CTL pulse train, also a relative search duration, which is a digital signal (col.16 ll.28-50).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

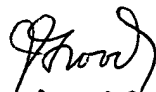
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703) 305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran (Acting SPE) can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD  
4/15/2004

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 262-2616